

FCC MAIL SECTION
Federal Communications Commission

DA 98-934

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Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCHED BY

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(McMillan and Sault Ste. Marie,
Michigan)¹

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MM Docket No. 97-222

RM-9180

RM-9214

REPORT AND ORDER
(Proceeding Terminated)**Adopted: May 13, 1998****Released: May 22, 1998**

By the Chief, Allocations Branch:

1. In response to a petition filed by Northern Christian Radio, Inc. ("Northern"), the Commission has before it for consideration the Notice of Proposed Rule Making, 12 FCC Rcd 17372 (1997), requesting the allotment of Channel 272C3 to Sault Ste. Marie, Michigan, and its reservation for noncommercial educational use. Northern filed comments supporting the allotment of Channel *272C3 at Sault Ste. Marie. Linda K. Graver, President of Black Bear Broadcasting Company of Bay City, Michigan, filed a counterproposal ("Graver").² Northern filed reply comments.

2. As stated in the Notice, noncommercial educational stations generally operate within the reserved portion of the FM band (Channels 201-220). Exceptions have been made in cases where the channels in the noncommercial educational band are not available because of foreign allocations (Canadian or Mexican) or potential interference to operations on VHF Television Channel 6. A Commission analysis determined that of the 20 NCE-FM channels, a vacant allotment at Sault Ste. Marie, Ontario, Canada, on Channel 215B posed the only possibility for an NCE-FM assignment at Sault Ste. Marie, Michigan. The allotment of Channel 215B at Sault Ste. Marie, Michigan, however, would require reassignment of Channel 215B from Sault Ste. Marie, Ontario, Canada, to Sault Ste. Marie, Michigan, and Northern would still have to show TV 6 protection. Therefore, foreign allotments and potential interference to Station WCML-TV, Alpena, Michigan, justify the reservation of a channel in the nonreserved band.

3. The counterproposal filed by Graver requests the allotment of Channel 272C3 to

¹ The community of McMillan has been added to the caption.

² Public notice of the counterproposal was given on January 14, 1998, Report No. 2248 (RM-9214).

McMillan, Michigan, as that community's first local broadcast service. According to Graver, Channel 230C3 could be allotted to Sault Ste. Marie, Michigan, because of changes in the Canadian Table of Allocations for Manitoulin Island, Ontario, Canada. Therefore, Graver requests that the Commission allot Channel 272C3 to McMillan and Channel 230C3 to Sault Ste. Marie for noncommercial educational use.

4. In response to Graver's counterproposal, Northern states that it does not believe Channel 230C3 is available for allotment at Sault Ste. Marie, Michigan. Northern points out that although Graver states that Channel 230C3 is available for allotment at Sault Ste. Marie because Channel 230C3 has been deleted at Manitoulin Island, Ontario, Canada, the Commission's engineering data base continues to protect the channel. Further, according to Northern, even if the channel was available, it is not equivalent to Channel 272C3 because there would be interference to Channel 230C3 from Channel 231C1, Little Current, Ontario, Canada. Northern argues that Graver's counterproposal was unnecessary to allot a new commercial FM channel to McMillan as there are fourteen FM channels that can be allotted in and around McMillan, several of which can be allotted at the coordinates designated by Graver in her counterproposal. Thus, Northern proposes that the Commission allot Channel 244C3 or Channel 269C3 to McMillan and allot Channel *272C3 at Sault Ste. Marie, Michigan as was originally requested.

5. After a review of the comments, we conclude that the reservation of a commercial channel is justified. Channel *272C3 can be allotted to Sault Ste. Marie, Michigan, in compliance with the Commission's minimum distance separation requirements without a site restriction.³ In response to the counterproposal filed by Graver, we shall allot Channel 244C3 to McMillan, Michigan, as that community's first local service. Channel 244C3 can be allotted to McMillan in compliance with the Commission's spacing requirements without a site restriction.⁴ Because the communities of Sault Ste. Marie and McMillan are located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained for the allotment of Channel 244C3 at McMillan and Channel *272C3 at Sault Ste. Marie.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective July 6, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

³ The coordinates for Channel *272C3 at Sault Ste. Marie are 46-29-36 and 84-21-06. The *Notice* specified coordinates 46-21-36 and 84-25-36 and indicated that there would be a site restriction 15.9 kilometers south of the community. Further, Canadian concurrence was requested as a specially negotiated short spaced allotment with respect to vacant Channel 271A, Blind River, Ontario, Canada. However, since release of the *Notice*, the Canadian government has deleted Channel 271A at Blind River, and there is no longer a need to site restrict Channel *272C3 at Sault Ste. Marie.

⁴ The coordinates for Channel 244C3 at McMillan are 46-20-24 and 85-41-12.

<u>Community</u>	<u>Channel No.</u>
McMillan, Michigan	244C3
Sault Ste. Marie, Michigan	252C3, 258C2, 267C1, *272C3

7. A filing window for Channel 244C3 at McMillan, Michigan, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.
8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.
9. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 244C3 at McMillan, Michigan, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau